

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2247 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

JENAB ABDUL

Versus

NATIONAL TEXTILE CORPORATION (G) LTD.

Appearance:

MRS DT SHAH for Petitioners

MR DG SHUKLA FOR NANAVATI & NANAVATI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/09/1999

ORAL JUDGEMENT

Heard learned counsel for the parties.

I am satisfied that it is not the case which falls under the Article 226 of the Constitution of India. Though the learned counsel for the petitioner desire that the matter to be disposed of on merits but as I consider it to be appropriate where the petitioner should first approach

either to the authority under Minimum Wages Act or the Labour Court, I do not consider it to be appropriate to express any final opinion in the matter on merits.

The industry is closed since long. Another fact remains for reference that the vacancies are not there but the learned counsel for the petitioner contending that many of the employees though attained age of superannuation they are continuing.

In the result, the special civil application fails and the same is dismissed. Rule discharges. Interim relief, if any, granted by this court stands vacated. No order as to costs.

However, the question of limitation if raised on approaching of the petitioner to the authority/Labour Court, it is expected that the authority/Labour Court may keep the fact in mind that this matter remained pending in this court since 1989 till day.

(S.K.Keshote, J.)

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